IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8852 of 2003

Between:

1. B. Ramanand, S/o. B. Padmanabhan,
Aged about 65 years, Occupation: Business,
R/o. 10-3-303/A/1/3, Humayun Nagar,
Hyderabad – 028.
2. T. Janardhan, S/o T. Sattaiah, Aged about 62 years,
Occupation: Retired Government Servant,
R/o H. NO. 10-3-282/2/A/16, Venkatadri Nagar Colony,
Humayun Nagar, Hyderabad.
3. Gopala Krishan, S/o Late P.G. Iyyer Subramanyam,
Aged about 52 years, Occupation: Private Service,
R/o. 12-2-709/91, Navodaya Colony, Mehdipatnam,
Hyderabad – 028.

All these above named petitioners are the devotees of
Sri Venkateswara Swamy Temple, Devunikunta, Humayun
Nagar, Hyderabad.

..... PETITIONERS

AND

1. Sri Venkateswara Swamy Temple, represented by Commissioner of Endowment, Hyderabad, Boggulakunta, Hyderabad.
2. The Dy. Commissiioner of Endowments, Boggulakunta, Hyderabad.
3. The Assistant Commissioner of Endowment, Boggulakunta, Hyderabad.
4. Sri Venkateswara Swamy Temple, represented by its Executive Officer, Devunikunta, Humayun Nagar, Hyderabad.
5. The Commissioiner of Survey and Land Records, Nampally, Hyderabad.
6. The Government of Andhra Pradesh represented by its Chief Secretary, Department of Endowments, Secretariat, Hyderabad.
7. The Commissioner, Municipal Corporation of Hyderabad, Lower Tank Bund, Hyderabad.
8. Ramana Reddy, S/o P. Krishna Reddy, Aged about 45 years, Occupation: Business, R/o. 16/1, Karanbagh, Mehdipatnam, Hyderabad.
9. Anantha Reddy, S/o. Y. Anand Reddy, Aged about 36 years, Occupation: Household, R/o. 5-9-22/44, G-1, Adarshanagar, Hyderabad.
10. Y. Anand Reddy, s/o Sri Adinarayana Reddy, Aged about 45 years, Occupation: Business, R/o5-9-22/44, G-1 Adarshanagar, Hyderabad.

11. G. Chandra Sekhar, S/o Sri G. Balanarayana,

Aged about 35 years, Occupation: Business,

R/o D3/75, Shantishikara Apartments, Raj Bhavan Raod,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus calling for the records in O.S No. 389 of 1980 on the file of the Ist Additional Special Judge for SPE and ACB Case-cum-Additional Chief Judge, City Civil Court, Hyderabad, O.S No. 480 of 1992 on the file of the XIX Junior Civil Judge, CCC at Hyderabad and O.S No. 2911 of 1980 on the file of the IX Assistant Judge, CCC, Hyderabad, and O.S NO. 1380 of 1999 on the file of the Ist Senior Civil Judge, CCC, Hyderabad., along with entire documentary evidence marked in those above suits and the entire case records of the above four suits from concerned Endowment Department respondent Nos. 1 to 4 and 6 as well as from the concerned courts and further call for the survey and revenue records pertaining to Sri Venkateswara Swamy Temple property, Devuni Kunta, Humayun Nagar, Hyderabad from respondent No. 5 and further protect the Landed Immovable valuable property of Sri Venkateswara Swamy Temple without alienating above temple property situated in Devunikunta, Humayunnagar, Hyderabad and further direct the respondents to maintain and protect the property of the temple as existed prior to January, 1997 and initiate severe legal action against respondents 1 to 11 for illegal acts and further direct the respondents to remove the encroachments of respondents 8 to 11 from the temple property and construct the Kalyana Mandapam of Sri Venkateswara Swamy demolished earlier by them, in the interest of justice.

For the Petitioners: MS.N.VIJAYA SREE, Advocate.

For Respondents 1 to 3: Government Pleader for Endowments.

For Respondent Nos.8. 10 and 11: MR.MUDDU VIJAY, Advocate.

The Court made the following:

ORDER: (per Sri B. Sudershan Reddy, J)

That a bare reading of the prayer in the writ petition itself suggests the frivolous nature of this so-called public interest litigation initiated by the alleged devotees of the temple in question.

To a pointed query from the Court as to which is the statutory authority that is

required to take action in the matter against respondents 8 to 11, learned counsel for the petitioners replied that it is the Endowments Department. We are not satisfied with the answer and the reply given by the learned counsel for the petitioners. We wanted to know from the petitioners as to which is the specific authority that is required to take action against respondents 8 to 11. Learned counsel for the petitioners says that it is the Deputy Commissioner of Endowments. We have again asked the learned counsel for the petitioners as to under what provision of law the Deputy Commissioner is required to proceed against respondents 8 to 11 to which there is no answer from her.

Be it as it may, the petitioners claim to be the devotees of Sri Venkateswara Temple, Devunikunta, Humayun Nagar, Hyderabad. The complaint is that O.S No. 1380 of 1999 on the file of the I Senior Civil Judge, Hyderabad has not been properly contested by respondents 1 to 4. Instead of protecting the properties of the temple, the allegation is that they are colluding with the strangers by suggesting to the Court in O.S No. 1380 of 1999 as if the properties do not belong to the temple at all. It is also brought to our notice that some other devotees have already filed an application to implead themselves in the said suit O.S No. 1380 of 1999. That is a different mater altogether with which we are not concerned in this writ petition. There cannot be any direction to dispose of O.S No. 1380 of 1999 in any particular manner. It shall be open to the petitioners to file an application, if they are so interested to get themselves impleaded in O.S No. 1380 of 1999 and place all the relevant facts within their knowledge which shall be taken into consideration by the civil Court in accordance with law, if any proper application is filed.

It shall also be open to the petitioners herein to approach the Government of Andhra Pradesh represented by the Chief Secretary and place all the facts within their knowledge which shall be taken into consideration and if the Government is satisfied that the properties of the temple are likely to be alienated in an improper manner, suitable remedial steps shall be taken in accordance with law.

For the present, we are not inclined to grant any relief in this writ petition based on such vague and indefinite allegations.

With the observations as above, the writ petition is disposed of.

(B. Sudershan Reddy, J)

21-03-2005

(C.V. Ramulu, J)

ks

To

1. Sri Venkateswara Swamy Temple, represented by
Commissioner of Endowment, Hyderabad, Boggulakunta,
Hyderabad.
2. The Dy. Commissioner of Endowments,
Boggulakunta, Hyderabad.
3. The Assistant Commissioner of Endowment,
Boggulakunta, Hyderabad.
4. The Commissioiner of Survey and Land Records, Nampally,
Hyderabad.
5. Chief Secretary, Department of Endowments,
the Government of Andhra Pradesh ,Secretariat,
Hyderabad.
6. The Commissioner, Municipal Corporation of Hyderabad,
Lower Tank Bund, Hyderabad.
7. Two CCs to the Government Pleader for Endowments, High Court
of Andhra Pradesh, Hyderabad (OUT).
8 Two CD copies.